

OCT 10 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

MELCHOR FUENTES PATRICIO,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

No. 02-71826

Agency No. A72-974-319

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted August 13, 2003
San Francisco, California

Before: WALLACE, HALL, and O'SCANNLAIN, Circuit Judges.

Except as otherwise discussed, we have jurisdiction over Patricio's timely filed petition for review under 8 U.S.C. § 1105a(a), and we affirm in part and dismiss in part. The Immigration Judge (IJ) correctly applied the stop-time rule to

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Patricio's application for suspension of deportation. Ram v. INS, 243 F.3d 510, 513 (9th Cir. 2001). The IJ's denial of asylum and denial of withholding of deportation were supported by substantial evidence. Ariaga-Barrientos v. INS, 937 F.2d 411, 413 (9th Cir. 1991). We lack jurisdiction to consider Patricio's I-130 petition because this issue was not raised before the IJ or the Board of Immigration Appeals. Ortiz v. INS, 179 F.3d 1148, 1153 (9th Cir. 1999). We also lack jurisdiction to consider Patricio's alleged eligibility for class-action benefits, since this matter was not presented to the Board. Id.

The petition is DENIED.